

Michael Donahoe  
Senior Litigator  
FEDERAL DEFENDERS OF MONTANA  
50 West 14<sup>th</sup> Street, Suite 300  
Helena, MT 59601  
(406) 449-8381  
(406) 449-5651(Facsimile)  
Attorney for Defendant

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
MISSOULA DIVISION**

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UNITED STATES OF AMERICA, Plaintiff,  vs.  WILLIAM RICHARD NIELSEN, Defendant.	Crim No. CR 11-08-M-DWM  <b>SENTENCING MEMORANDUM</b>
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**I. INTRODUCTION**

COMES NOW the defendant William Richard Nielsen (Nielsen), through his undersigned counsel and in conformity with the Court's scheduling order dated October 16, 2012 (Doc. #74) offers the following memorandum in aid of sentencing.

**OUTSTANDING OBJECTIONS**

Defendant has objected to the adverse inference drawn from defendant's lack of participation in the Sex Offender Management Program while he has been incarcerated. In fact Mr. Nielsen has remained silent pending his Ninth Circuit appeal. *See Mitchell v. United States*, 526 U.S. 314, 119 S.Ct. 1307 (1999). Once he is resentenced defendant plans to participate fully.

Insofar as the restitution is concerned defendant has no objection so long as there is proper documentation supporting the request.

**CONCLUSION**

WHEREFORE, defendant prays the Court will consider this memo and rely on it in fashioning defendant's sentence.

Respectfully Submitted November 9, 2012.

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/s/ Michael Donahoe  
MICHAEL DONAHOE  
Senior Litigator  
Counsel for Defendant

**CERTIFICATE OF SERVICE  
L.R. 5.2(b)**

I hereby certify that on November 9, 2012, a copy of the foregoing document was served on the following persons by the following means:

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1. CLERK, UNITED STATES DISTRICT COURT

1, 2. Marcia Hurd  
Assistant U.S. Attorney  
P.O. Box 1478  
Billings, MT 59103

3. Derek Hart  
U.S. Probation Officer  
P.O. Box 7675  
Missoula, MT 59807

/s/ Michael Donahoe  
MICHAEL DONAHOE  
Senior Litigator